

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>PATRICIA A. DREILING,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53454</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 28, 2010, Sondra W. Mercier and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Martin E. McKinney, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1937 South Queen Drive, Lakewood, Colorado
Jefferson County Schedule No. 163903**

The subject property is a single family two-story house built in 1985 with 2,892 square feet of above ground living area and an unfinished walkout basement situated on an 11,064 square foot site.

Based on the market approach, Petitioner presented an indicated value of \$434,019.00 for the subject property.

Petitioner presented six comparable sales ranging in sales price from \$364,900.00 to \$522,250.00 and in size from 2,545 to 3,662 square feet. No adjustments were made to the sales.

Petitioner's witness and husband, Mr. Steven J. Dreiling, testified that the subject property was purchased 25 years ago and there have been no updates to the house. Mr. Dreiling testified that even if the two short sales were eliminated from his comparable sale list, the value indication is still less than that presented by Respondent.

Regarding Respondent's sales, Mr. Dreiling disagrees with the comparable sales used to value the subject property. He believes that the sales should come from within one mile of the subject property and newer built homes should not be used as they cost more to produce and are more technically modern. Respondent's Sale 3 is from a different subdivision and newer than the subject and Sale 1 is newer than the subject. Mr. Dreiling testified that Respondent's Sale 1 and Sale 2 are good sales, but believes his sales should be used as they are also from the same neighborhood, are similar in age, and are nearer to the subject property in location than Respondent's Sale 3.

Petitioner is requesting a 2009 actual value of \$434,019.00 for the subject property.

Respondent presented a value of \$525,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$522,500.00 to \$600,000.00 and in size from 2,908 to 3,176 square feet. After adjustments were made, the sales ranged from \$513,200.00 to \$563,900.00.

Respondent's witness, Patty Jo White, a Certified Residential Appraiser with the Jefferson County Assessor's Office testified that she was not able to inspect the interior of the subject property. There is a deck in the back yard that is not included in her valuation. The subject property is located in a diverse residential subdivision with homes ranging in values from \$369,000.00 to \$1,300,000.00.

Regarding her comparables, Sale 1 is located across the street from the subject and backs to West Jewell Avenue. Sale 2 is one block away from the subject. Sale 3 is in Bear Creek Filing 1, which Ms. White testified is a competitive market and is located 0.73 miles from the subject property. Ms. White gave most reliance to Sales 1 and 2.

Regarding Petitioner's sales, Ms. White testified that the sale at 2023 South Parfet Drive was a short sale. 2150 South Owens Court had a building permit pulled after the sale. 11280 West Jewell Drive was built in 1983 and is 2,545 square feet in size. 11270 West Jewell Drive is a 3,183 square foot two-story design that is much larger than the 11280 West Jewell Drive sale next door yet sold for only a \$7,000.00 value difference. Ms. White believes this sale may not be arm's-length. The sale located at 2168 South Parfet Court originally sold for \$800,000.00 and then sold as a short sale for \$475,000.00. 1929 South Routt Court is the same sale as Respondent's Sale 2. The first three sales are split-level designs and the last three sales are two-story designs. There were enough sales of two-story homes available that split-level homes should not be used. Petitioner made no adjustments to the sales.

Respondent assigned an actual value of \$514,000.00 to the subject property for tax year 2009.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2009.

The Board reviewed Petitioner's sales and determined that Petitioner's tri-level sales are not appropriate to value the subject property due to their design, short sale, condition, and need for more information regarding the seller and buyer of 11280 West Jewell Drive which was an owner/agent sale. The Board also determined that Petitioner's two-story short sale should not be used. The Board attempted to make adjustments to Petitioner's sale at 11270 West Jewell Drive but lacked sales data to determine an adjustment for remodeling, information regarding whether there were any sale conditions involved, and information regarding the size and finish of the garage/workshop/shed. Additionally the Board noted that this sale was on the market for 291 days and is enough of an outlier in adjusted sales price to give no confidence to the adjusted price without the aforementioned additional information.

The Board gave lesser weight to Respondent's Sale 3 as it had extensive remodeling and is located furthest from the subject.

At first glance it appeared that some adjustment seemed necessary to Respondent's Sale 2 for remodeling. However the Board noted that Sale 1, which was not remodeled, adjusted to a higher value than Sale 2, indicating that an adjustment was not necessary.

After reviewing all the testimony and evidence presented, the Board determined that Petitioner did not meet her burden of proof to show that Respondent's assigned value was incorrect. The Board concurred with Respondent's assigned value of \$514,000.00.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S.

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 13 day of September 2010.

BOARD OF ASSESSMENT APPEALS

Karen E Hart
Karen E. Hart

Sondra W Mercier
Sondra W. Mercier

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

Amy Bruins
Amy Bruins

